

#### **IV. ADMINISTRATION OF DEFENDER SERVICES**

##### **2. Delivery of Services**

*(New Section)*

##### **F. Determination of Indigence after Initial Representation by Retained Counsel.**

1. It is of primary importance to the members of the bar and to the public that a lawyer who undertakes representation of a client in criminal proceedings continues to represent the client at least through the trial stage of the proceedings, unless the continued representation would result in the violation of a disciplinary rule. Continuity of counsel in proceedings should be mandated in order to protect the rights of the client by avoiding, wherever possible, the adverse effect and possible prejudice to the client caused by an attorney's withdrawal.
2. The Public Defender's office shall assign counsel to a client initially represented by retained counsel only after a written motion has been made by retained counsel.
3. If retained counsel has filed a written motion for a determination of indigence and to withdraw from the case no later than sixty days after counsel has either filed a notice of appearance or actually made a court appearance on behalf of the client, and not less than thirty days prior to trial or any evidentiary hearing, the Public Defender's office, subject to a determination of indigence, shall assign new counsel to the client.
4. When retained counsel makes a written motion for a determination of the client's indigence at a time other than that set forth in paragraph 3, above, and the client meets the financial eligibility requirements for indigent services, the Public Defender's Office shall assign the moving counsel to provide legal services for the client.
5. If, upon motion by the Regional Public Defender's Office, a court determines that the foregoing practice has led to abuse by an attorney who has in the past repeatedly requested a determination of his client's indigence after undertaking representation as retained counsel, the court may order continued representation by that attorney without assignment by the public defender's office or cost to the public.

*To be inserted on page 19 of the October 2008 Standards; current section F becomes section G.*